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February 9, 2021

By ECF and E-mail

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Richard Gaffey*, No. 18-cr-693 (RMB)

Dear Judge Berman:

We write to advise the Court that more 30 days have now elapsed from the letter by counsel to the Warden, dated January 5, 2021, requesting compassionate release for Mr. Gaffey. *See* ECF No. 247-4. To date, the Warden has not responded. Accordingly, Mr. Gaffey is expressly excused from the administrative exhaustion provision of 18 U.S.C. § 3582(c)(1)(A).

Respectfully submitted,

RICHARD GAFFEY

by his attorneys,

/s/ Daniel Marx
Daniel N. Marx
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